

## REMARKS/ARGUMENTS

A First Office Action was issued by the Office on May 26, 2010. A request for a two-month extension of time is being filed concurrently herewith making a response in this case due no later than October 26, 2010.

In the current Office Action, claims 52, 53, 62 and 63 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 39-51, 54-61 and 64 were rejected under § 102(b) as being anticipated by U.S. Patent No. 6,264,109 to Chapet et al. ("*Chapet*" or the "*Chapet '109 patent*"). By this submission, claims 39, 51 and 52 are amended. Claims 54 and 55 have been cancelled. Accordingly, claims 39-53 and 56-64 remain pending, with claims 39, 51 and 52 being independent claims. Reconsideration of the application and claims is respectfully requested.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

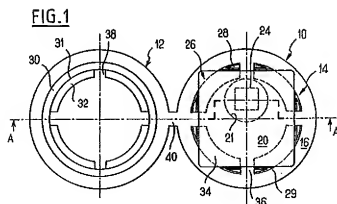
The Office Action rejected claims 52, 53, 62 and 63 under § 112, second paragraph as being "being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention." In response, the Applicant has traversed the rejection by amending claim 52 to correct the concerns raised by the § 112, second paragraph rejection. In particular, claim 52 has been rewritten in independent form such that claim 52 is now a stand alone method claim reciting a series of steps for fabricating a body of a token. Applicant therefore submits that the § 112 rejection has been obviated by the claim amendments and, accordingly, requests that the § 112 rejection be removed. In addition, given that the art of record fails to teach or suggest the method of fabricating a body of a token using a first and

second injection mold as recited within independent claim 52 and its dependent claims, favorable treatment in the form of a notice of allowance is therefore requested for claims 52, 53, 62 and 63.

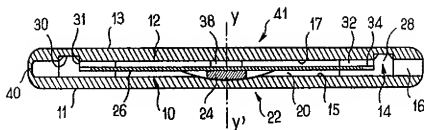
#### CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 39-51, 54-61 and 64 were rejected under § 102(b) as being anticipated by the *Chapet '109 patent*. Independent claims 39 and 51 have been amended to further recite that the core is a single-piece construction having an insert embedded within the plastic material of the central portion of the body of the core upon completion of the first injection procedure. It is believed that the present amendment successfully traverses the rejection under § 102(b) based upon the *Chapet '109 patent*. Favorable treatment in the form of a notice of allowance is therefore requested.

More particularly, the *Chapet '109 patent* discloses a token 42 having a two-piece construction (i.e., two half-disks 10 and 12) joined together by a plastic jointing material 18 injected into the edge of the token in a peripheral annular region 16 located between the two half-disks 10 and 12. FIGS. 1 and 2 illustrate the two half-disk design prior to injection of the jointing material 18:

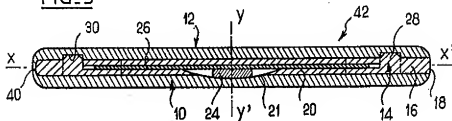


**FIG. 2**



See FIG. 1 and 2 of the *Chapet '109 patent*. FIG. 3 illustrates the token 42 after injection of the jointing material 18:

**FIG. 3**



See FIG. 3 of the *Chapet '109 patent*.

As shown in FIG. 1, the receptacle ring 14 is coaxial with the half-disk 10 and separates the peripheral annular region 16 from an internal central region 20 designed in particular to house an insert 22 having an electronic memory circuit 24 and of a transmitter-receiver whose peripheral antenna is fixed to a thin support wafer 26 of synthetic resin. The thin wafer 26 is in the form of a rigid plastic film serving as a support for the electronic circuit and for the peripheral antenna. The ring 14, which acts as the receptacle for the insert 22, includes a plane circular region 34 surmounted by a band of protuberances 28 in external position, these protuberances being distributed in a circular fashion.

When the insert 22 is in place in the receptacle ring 14, the wafer 26 of square shape rests on the plane circular region 34 and is flanked and held in place angularly by the protuberances 28. As shown in FIG. 1, the tops of the square wafer 26 project through widened cuts 29 made

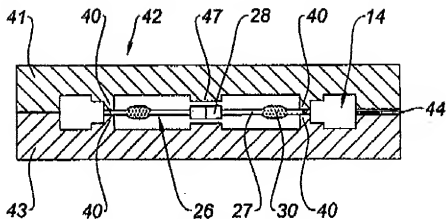
in the band of protuberances and extend into the annular region 16, thereby making it possible to reduce the diameter of the token and to make the arrangement of the token very compact and very robust after the jointing material has been injected. The half-disk 12 or cover half-disk, which is linked to the base half-disk 10 by a hinge 40, has, on its internal face 17, an annular groove 30 intended to serve as a housing for the protuberances 28, the tops of these protuberances being slightly beveled, and a closure ring 32 whose external side wall 31, after the two half-disks 10 and 12 have been "closed" or folded down, one onto the other, comes into bearing contact with the lateral internal edges of the protuberances. The wafer 26 is held axially between the closure ring 32 and the plane circular region 34 of the receptacle ring 14 of the base half-disk 10.

The token 42 (with or without a hinge) is manufactured by carrying out the following operations: (1) injection molding of the two half-disks 10, 12, these being separate or attached by a hinge 40, (2) fitting of the insert 22 having an electronic circuit, optionally with adhesive bonding, and fitting of the two half-disks 10, 12, (3) closure of the half-disks 10, 12, (4) injection of the jointing material 18, and (5) optional removal of the hinge 40 by machining the periphery of the token. See *Chapet '109 patent*, column 5, lines 49-60. The structure of the token 42 according to the invention, utilizing of the two half-disks 10 and 12 and the jointing 18, forms a rigid and sealed protective shell for the electronic identification device 24, 26. The axial centering of the half-disks 10 and 12 (provided by the protuberances 28, the groove 30 and the shoulder 31 of the ring 32) combined with the thin hinge 40 facilitates interlocking of the two half-disks and consequently automation of this operation in the manufacture of the token 42.

The combination of FIGS. 1, 2 and 3 and the corresponding written portion of the specification of the *Chapet '109 patent* demonstrates that (i) the token of the *Chapet '109 patent*

is a two-piece construction comprised of two half-disks 10, 12 joined together by a hinge 40 formed during a first molding operation by injecting a rigid plastic, (ii) the insert 22 is placed in the receptacle ring 14 of half-disk 10 after the two half-disks 10 and 12 have been formed in the first molding process, (iii) half-disk 12 is closed or folded down onto half-disk 10 to form the body of the token, and (iv) the two half-disks are joined together by injection of the jointing material 18 during a second injection molding procedure so as to penetrate into the internal central region 20 and encapsulate the insert 22.

In contrast, Applicants' amended independent claims 39 and 51 recite an insert that is secured between a first half-shell and a second half-shell of a first injection mold during the first injection of plastic material such that the resulting generally disc-shaped single-piece core is a single-piece construction with the insert being embedded within the plastic material of the central portion of the body of the core upon completion of the first injection process. Support for the claim elements recited within amended independent claims 39 and 51 can be found in FIG. 3 and the accompanying description in paragraphs 54, 57 and 74-82 of the Applicant's present application, which illustrate the forming of the single-piece core by securing the insert between the two half-shells of the first injection mold during the first molding operation thereby embedding the insert within the plastic material of the central portion of said body of the core upon completion of said first injection:



**Fig. 3**

See FIG. 3 of the Applicant's Patent Application.

The recited limitations of amended independent claims 39 and 51—a generally disc-shaped single-piece core of the body of the token with an insert embedded within the plastic material of the central portion of the body of the core upon completion of a single injection procedure—are neither taught nor suggested in the *Chapet '109 patent*, which shows a two-piece construction formed during a first molding procedure having an insert that is encapsulated within the internal central region during a second molding procedure. In short, by creating a single-piece core with the insert embedded within the plastic material during the first injection procedure, the Applicant has eliminated a molding step from the process of the two-piece design of the *Chapet '109 patent* that creates the two-piece construction during a first molding process, adds the insert and encapsulates the insert during a second molding process.

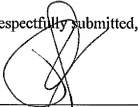
Because the *Chapet '109 patent* fails to show at least the above noted features of at least independent claims 39 and 51, the Applicant submits that the applied art fails to show each and every recited feature of the claims. Accordingly, the Applicant submits that the *Chapet '109*

*patent* fails to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b), and the pending rejection should be reconsidered and withdrawn. Further, Applicants submit that claims 40-50 and 54-61 and 64 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention.

#### CONCLUSION

The application is now in condition for allowance. If the Examiner has any questions regarding this Amendment, please contact the undersigned at 303-223-1115.

Respectfully submitted,



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Ronald C. Gorsché, Jr.  
Reg. No. 48,505  
Customer No. 60879  
Brownstein Hyatt Farber Schreck, LLP